



Southern Region Review



A Monthly Publication of the U.S. Army Southern Regional Environmental Office

January 2003

REGION 4 EDITION

CONTENTS

This publication provides current information on environmental actions and events in the Federal EPA Region 4 area (Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee) that may be relevant to U.S. Army activities and operations. Its purpose is to keep Army environmental decision-makers, planners and program managers abreast of developments important to their responsibilities. We encourage feedback and welcome suggestions for expanded or improved coverage. Please contact us at: U.S. Army Environmental Center, Southern Regional Environmental Office, Attn: SFIM-AEC-SR, 101 Marietta Street, NW, Suite 3120 Atlanta, GA 30303-2711 Phone 404-524-5061 x275 Fax 404-524-5162 or at sreo@sreo.army.mil. For additional sources of information, please contact the Army Environmental Center <http://aec.army.mil>

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ANNOUNCEMENTS



NOTE: The Southern Region Environmental Review is now available in an electronic version only. If you would like to be added to the mailing list, please contact us at environmental.specialist@sreo.army.mil.

REGION 4 DOD ENVIRONMENTAL CONFERENCE PROCEEDINGS • Proceedings (including presentations) are now available on the Army Environmental Policy Institute website. Just use the following website <http://www.aepi.army.mil> and look under events and click on Region 4 Environmental Conference.

Ecoregional Nutrient Criteria • (68 FR 557 - 1/6/2003) EPA announces two actions: (1) The finalization of nine ecoregional nutrient criteria documents for lakes and reservoirs, and rivers and streams within specific geographic regions (ecoregions) of the United States; and (2) a request for significant scientific information on three new section 304(a) ecoregional nutrient criteria documents. EPA has identified fourteen nutrient ecoregions in the continental United States: <http://www.epa.gov/waterscience/standards/ecomap.html>. These documents serve as recommendations for States to use as they develop nutrient criteria and adopt these criteria into water quality standards. The documents are available at: <http://www.epa.gov/waterscience/standards/nutrient.html>. Further Information: Robert Cantilli, EPA, Health and Ecological Criteria Division, Office of Science and Technology, Washington DC, cantilli.robert@epa.gov
<http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/03-176.htm>
<http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/03-176.pdf>

2003 - 2008 STRATEGIC PLAN USEPA has released a draft of the fiscal year 2003 - 2008 Strategic Plan. The plan serves as USEPA's road map for the next five years. The plan is built around five goals, centered on the themes of air, water, land, communities/ecosystems, and compliance/environmental stewardship. USEPA is soliciting

comments on the draft goals and objectives that provide the structure for the new Strategic Plan. The plan structure may be found at: <http://www.epa.gov/ocfo/plan/plan.htm>. USEPA expects to post a full-text draft of the plan on its website in March 2003, at which time additional comments will be solicited. USEPA will be submitting the Strategic Plan to Congress in September 2003. Comments are due by January 31, 2003. For further information, visit the USEPA website at: http://www.epa.gov/epahome/hi-strategic_plan.htm.



CONFERENCES AND EVENTS

| Event | Date | Where | Information |
|--|--|--|--|
| Defense State Memorandum of Agreement (DSMOA) Regional Training | February 11 – 12, 2003 | Orlando, FL | The Air Force will conduct a DSMOA/CA regional training session in for military installation located in the Southeast US. Details of the training session will be announced in the near term. Primary contact is Mike Garrison, mike.garrison@brooks.af.mil |
| Executive Order 13148 and Environmental Management Systems | February 19-21, 2003 | San Antonio, TX | This course is intended for those individuals responsible for compliance with Executive Order 13148 at defense related activities. EO 13148 requirements are introduced and minimum compliance criteria are detailed to ensure necessary actions are taken to integrate environmental accountability into day-to-day decision-making and long-term planning processes. http://www.envtraining.com/Course%20Descriptions/13148EMS.htm |
| Vapor Intrusion Seminar. | February 25-26, 2003 | Atlanta, GA | In early 2003, the U.S. EPA is sponsoring two two-day seminars on the potential for vapor intrusion of toxic and hazardous chemicals from contaminated soils or groundwater into indoor air pathways. The seminars will introduce new EPA guidance and enable the dissemination and exchange of state-of-the-science information to better understand indoor air vapor intrusion from groundwater. For more information and to register, see http://www.epa.gov/ttnrmrl/indoorair.htm |
| Army Environmental Training Symposium/Workshop | March 23-28, 2003 | Kansas City, MO | The workshop will primarily consist of numerous environmental short courses and seminars. The workshop will focus on installation level requirements. For further information, please contact Susan West, U.S. Army Training and Doctrine Command, at (757) 788-2279 or wests@monroe.army.mil ; or contact Susan Thomas, USAEC, at (410) 436-6899 or Susan.Thomas@aec.apgea.army.mil |
| Fifth Technology Symposium & Workshop, ITRC Spring Meeting | March 25-28, 2003 | Charlotte, NC | The 2003 ITRC Spring Meeting will be a partnership event with the Army, Navy, and Air Force. ITRC and the Tri-Services will join forces to present the best environmental technology conference. For more information on the Environmental Technology Symposium please contact Technical Resources International at confdept@tech-res.com or call (301) 897-7481. The official Symposium web site is available at www.ETS2003.com . |
| Introductory Risk Communication Workshop | March 11-13 April 8-10 April 15-17 June 3-5 August 26-28, 2003 | Edgewood, MD Las Vega, NV Anchorage, AK Providence, RI Seattle, WA | This course is designed to provide the participant with a basic understanding of the concepts, principles, and process of effective risk communication, including building strategic stakeholder relationships that provide the framework for discussion of complex risk issues. For more information or to register on line go to: http://chppm-www.apgea.army.mil/risk or call Ms Suaquita Perry at 410-436-3515 |

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|--|------------------|-----------------|--|
| Intermediate Risk Communication Workshop | May 12-15, 2003 | San Antonio, TX | The intermediate course builds on basic understanding and skills learned in the Introductory course, providing the participant with hands-on experience in applying the steps of the process, on-camera media practice, and seminar-style discussion of hot issues impacting military health and readiness. For more information or to register on line go to: http://chppm-www.apgea.army.mil/risk or call Ms Suaquita Perry at 410-436-3515 |
| National Pollution Prevention Roundtable Spring Conference | April 4-11, 2003 | Louisville, KY | The P2 Roundtable will bring together the most preeminent pollution prevention practitioners and experts to share the latest in policy, regulatory and technical information. For further information, please visit http://www.p2.org/events/spring2003 . |
| NDIA's 29th Environmental and Energy Symposium and Exhibition | April 7-10, 2003 | Richmond, VA | Sponsored by the Environment and Energy Division and NDIA, this symposium will provide a national forum for the exchange of technical information, government policy, regulations, programs and laws, and new ideas on environmental and energy issues and areas of concern. The symposium web site is at http://register.ndia.org/interview/register.ndia?~Brochure~3440 . For further information, please contact Derek Jenks, NDIA, at djenks@ndia.org . |
| Deconstruction Conference | May 7-10, 2003 | Gainesville, FL | For further information including the conference brochure and registration information please contact the Center for Construction and Environment Tel: (392)-392-7502 or visit the CCE Web site at www.cce.ufl.edu |
| DOI Environmental Conference | May 13-15, 2003 | Phoenix, AZ | Hosted by the U.S.Fish and Wildlife Service, the conference is themed: "Partnering for Environmental Stewardship: Resource Conservation for the Future." For more information, or to register, please visit www.doi.gov/conference/environment |
| In-situ Contaminated Sediment Capping Workshop | May 12-14, 2003 | Cincinnati, OH | This national workshop will review the science, technology and applications of capping at contaminated sediment sites, examine lessons learned, and discuss future directions. The Workshop sponsors are soliciting presentations for the platform and poster sessions. Abstracts are due February 15. For more information and instructions for submitting abstracts, see http://www.epri.com . Go to Events for May 2003, click on Call for Papers or contact Ash Jain at Ajain@epri.com . |
| 2003 Real World Clean Air Symposium | May 19-22, 2003 | Seattle, WA | If you are involved in clean air issues, this is the event for you! Find out more about the symposium by clicking on the link http://www.usasymposium.com/cleanair/default.htm . |
| 11th Annual Global Demilitarization Symposium and Exhibition | May 19-22, 2003 | Sparks, NV | This event continues to support the DoD in efforts directed at reducing the stockpile of excess and obsolete strategic, tactical, and conventional munitions. The agenda will focus on the global challenges and successes experienced in the disposition of energetic materials. For further information, please contact Tim Becker or Dawn Harper, NDIA, at (703) 247-2573, or email tbecker@ndia.org or dharp@ndia.org . |

DOD News



RCRA Engine Lubricating Oil - Federal Government Use and Disposal (GAO-03-340 -1/2/2003) GSA has published a report addressing use and disposal of engine lubricating oil within federal agencies including DoD. In

addition to statistics, the report contains a brief discussion of three options for reducing cost and amount of oil used. Options included: - bypass filters, - synthetic lubricating oils, and - oil analysis programs. Further Information: William M. Solisat (202) 512-8365 or solisw@gao.gov. <http://www.gao.gov/new.items/d03340.pdf>

Alternative Fuel Vehicle Acquisition Reports (68 FR 2020 -1/15/2003) The Department of Defense reports that their 1998-2001 alternative fuel vehicle compliance reports are available on-line at <https://www.denix.osd.mil/denix/Public/Library/AFV/afv.html>.

The following is a summary of results from each of the military branches. Navy was unable to reach the 75 percent AFV-acquisition requirement for 905 vehicles but only fell marginally short; it acquired 880 AFV credits in FY2001, or 72.9%. Current projections indicate the Navy will meet the 75% target in FY 2002 and achieve an even higher level in FY2003.

Full Report is at: https://www.denix.osd.mil/denix/Public/Library/AFV/Reports/AFV_Navy_FY01-rev2.doc

Marine Corps exceeded the 75 percent AFV-acquisition requirement for 324 credits by acquiring 341 AFV credits in FY2001. Planning estimates indicate a similar level of compliance for FY2002 and FY2003.

Full report is at: https://www.denix.osd.mil/denix/Public/Library/AFV/Reports/usmc_afv_report01.doc

Air Force was unable to meet the 75 percent AFV-acquisition requirement for 983 vehicles, but did acquire 46 percent, or 601 AFV credits, in FY2001. Projections indicate improving our level of compliance (to 61 percent) in FY2002 and exceeding the requirement (84 percent) in FY2003. Air Force strategy for FY2002 and 2003 relies on new E-85 flex-fuel vehicles and the use of biodiesel fuel. Full report is at:

https://www.denix.osd.mil/denix/Public/Library/AFV/Reports/af_afv_report01.doc

Army was unable to acquire sufficient AFVs to meet the 75% goal established by EPACT. The Army acquired through GSA lease 2,454 vehicles in FY 01 or a 48% success rate. Current projections indicate the acquisition of 2,810 in FY 2002. The Army strategy includes extensive use of biodiesel credits. Full report is at:

https://www.denix.osd.mil/denix/Public/Library/AFV/Reports/army_afv_fy01-draftnarrative.doc Further Information:

Lt Col Bruce Harding, (703) 604-1831, bruce.harding@osd.mil.



STUDIES AND REPORTS

Internet Seminars • The archives for a number of recent internet seminars and conference webcasts have been completed. By accessing the archives of a particular seminar you can see the slides and hear the presentation using Real Player or Windows Media Player. For more information and access to the archived seminars AND conference webcasts, see <http://clu-in.org/studio>. Seminars include: In Situ Treatment of Groundwater Contaminated with Non-Aqueous Phase Liquid Contamination: Fundamentals and Case Studies Primer Seminario Hispano-Estadounidense de Terrenos Contaminados

Arsenic Treatment Technologies for Soil, Waste, and Water (EPA 542-R-02-004). This document published by the U.S. EPA Technology Innovation Office, is intended to be used as a screening tool for arsenic treatment technologies. It provides descriptions of the theory, design, and operation of the technologies; information on commercial availability and use; performance and cost data, where available; and a discussion of factors affecting effectiveness and cost. As a technology overview document, the information can serve as a starting point for identifying options for arsenic treatment. The feasibility of particular technologies will depend heavily on site-specific factors, and final treatment and remedy decisions will require further analysis, expertise, and possibly treatability studies (September 2002, 132 pages). View or download at <http://clu-in.org/techpubs.htm>. For hard copies, contact (800) 490-9198 or (513) 489-8190 or fax to (513) 489-8695.

Elements for Effective Management of Operating Pump and Treat Systems (EPA 542-R-02-009). This fact sheet was produced by the EPA Office of Solid Waste and Emergency Response. It summarizes key aspects of effective management for operating pump and treat systems. It was developed from lessons learned from conducting system evaluations at 20 operating Superfund pump and treat sites. The lessons learned should be relevant to most pump and treat systems whether or not the system is operated under Superfund (October 2002, 18 pages). View or download at <http://clu-in.org/techpubs.htm>. This was mentioned in the November TechDirect, subsequently underwent some minor editing and reposted on the site.

Preliminary Remediation Goals for Radionuclides website. This website provides a Preliminary Remediation Goal (PRG) calculation tool to assist risk assessors, remedial project managers, and others involved with risk assessment and decision-making at CERCLA sites. It is based on Risk Assessment Guidance for Superfund: Volume I, Human Health Evaluation Manual (Part B, Development of Risk-based Preliminary Remediation Goals) (RAGs Part B). RAGs Part B provides guidance on using EPA toxicity values and exposure information to calculate risk-based PRGs. Initially used at the scoping phase of a project using readily available information, risk-based PRGs generally are modified based on site-specific data gathered during the RI/FS study. Chemical-specific PRGs are from two general sources. These are: (1) concentrations based on potential Applicable or Relevant and Appropriate Requirements (ARARs) and (2) concentrations based on risk assessment. ARARs include concentration limits set by other environmental regulations such as Safe Drinking water Act maximum contaminant levels (MCLs). The second source for PRGs, and the focus of this database tool, is risk-based calculations that set concentration limits using carcinogenic toxicity values under specific exposure conditions. For more information, see <http://epa-prgs.ornl.gov/radionuclides/>.

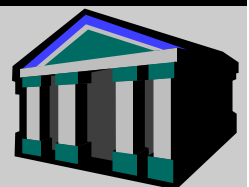
Contaminated Sediments in Superfund. This web site was developed by EPA's Office of Solid Waste and Emergency Response. It contains recent EPA guidance on sediment sites and direct links to NPL fact sheets for 66 EPA sites where RODS have been signed. It is designed for government agencies, consultants and contractors, and other interested parties such as community groups, to locate about EPA policies and guidance and information about specific contaminated sediment sites within the Superfund program. See <http://www.epa.gov/superfund/resources/sediment>.

Groundwater Sensitivity Toolkit. The American Petroleum Institute (API) published a new spreadsheet-based software utility to help site managers, water purveyors and regulators to easily prioritize the sensitivity of a groundwater resource to a release (e.g., an MTBE-oxygenated fuel). The Groundwater Sensitivity Toolkit examines three aspects of sensitivity: Resource Value, Receptor Vulnerability and Natural Sensitivity. The user supplies site-specific information and the toolkit returns a "high," "medium" or "low" ranking addressing each of the three aspects of sensitivity. Although this utility was designed with petroleum hydrocarbon releases in mind, it can also be used to assess chlorinated and inorganic compounds. This program may be particularly useful for screening large numbers of sites in cases where risk assumptions or cleanup standards change. The toolkit was co-developed by API and the California MTBE Research Partnership. It can be downloaded at no cost from <http://groundwater.api.org/toolkit>.

Unpaved Roads BMP Manual (EPA Recent Additions -1/14/2003) EPA has posted the "Massachusetts Unpaved Roads BMP Manual." Many of the listed best management practices (BMPs) should improve both water quality and the performance of unpaved roadways. The manual is designed to be used by road maintenance supervisors and crews. Topics covered in the manual include: surface profile and grading; surface materials; - ditch profile and lining; velocity controls and energy dissipators; culverts; bank stabilization; mat and blankets; sediment controls and traps; vegetative management; beaver management. The document is available at: <http://www.state.ma.us/dep/brp/wm/files/dirtroad.pdf>

Potential interest to stormwater pollution prevention program managers as a training tool for maintenance crews.

Chemical Facility Vulnerability Assessment Methodology (EPA Recent Additions –1/16/2003) EPA has posted a Department of Justice - Chemical Facility Vulnerability Assessment Methodology. The report presents a prototype vulnerability assessment methodology developed for chemical facilities to use for identification and assessment of potential security threats, risks, and vulnerabilities. The twelve-step assessment methodology was developed by the National Institute of Justice in partnership with the U.S. Department of Energy's Sandia National Laboratories, with the cooperation and assistance of the chemical industry representatives. The document is available at: <http://www.ncjrs.org/pdffiles1/nij/195171.pdf>



FEDERAL - NOTICES AND RULEMAKING

National Ambient Air Quality Standards for Ozone: Final Response to Remand (EPA TNN - 12/19/2002) In advance of formal publication, EPA posted a final determination that ground-level ozone concentrations in excess of the 8-hour ozone standard do not provide significant health benefits in terms of reduced exposure to ultraviolet radiation (UV-B). This action is taken in response to a remand by the United States Court of Appeals for the District of Columbia Circuit related to the 1997 rulemaking for the 8-hour ozone standard.

Additionally, EPA has indicated that, based on plausible estimates, the effects of changes to ground level ozone are unlikely to significantly reduce occurrence of skin cancer. Further Information: Susan Lyon Stone, Office of Air Quality Planning and Standards, EPA, Research Triangle Park, NC, stone.susan@epa.gov, (919) 541-1146.

http://www.epa.gov/ttn/oarpg/t1/fr_notices/onaags_frr.pdf

NESHAP: Stationary Reciprocating Internal Combustion Engines (67 FR 77829 - 12/19/2002) In advance of formal publication, EPA has posted proposed national emission standards for hazardous air pollutants (NESHAP) for stationary reciprocating internal combustion engines (RICE) with manufacturer's nameplate rating above 500 brake horsepower located at major sources of hazardous air pollutants (HAP). The proposed rule will require all major sources to meet HAP emission standards reflecting the application of the maximum achievable control technology (MACT) for RICE. Comments are due February 18, 2003. Potential Impact or Relevance:

Potential impact of large reciprocating IC engines located on major HAP sources. Further Information:

Sims Roy, Emission Standards Division, EPA, Research Triangle Park, NC (919) 541-5263, roy.sims@epa.gov

http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=2002_register&docid=fr19de02-17

http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=2002_register&docid=fr19de02-17.pdf

Routine Maintenance, Repair and Replacement (67 FR 80290 - 12/31/2002) EPA has published the proposed change to the "routine maintenance, repair and replacement" exclusion from new source review. Specifically, EPA is proposing to revise the existing routine maintenance, repair and replacement exemption to include an annual maintenance, repair and replacement allowance and equipment replacement approach. The annual maintenance, repair and replacement allowance would provide a facility-wide annual allowance for maintenance activities. Activities undertaken to promote the safe, reliable and efficient operation of a plant, whose costs fall within the allowance, would constitute routine maintenance, repair and replacement. The allowance would be set on an industry-specific basis. The equipment replacement approach would provide that most projects involving replacement of existing equipment with functionally equivalent new equipment would constitute routine maintenance, repair and replacement. That would be determined by comparing the cost of the components being replaced with the cost of replacing a production unit at the plant. If the cost of the replaced components is below a specified threshold, then the replacements would qualify as routine maintenance, repair and replacement. The threshold would be set so as to allow replacement of components that are typically replaced at sources in the relevant industrial category. Comments are due March 3, 2003. Potential Impact or Relevance: Potential interest to facilities that are "major sources" under the Clean Air Act. Further Information: Dave Svendsgaard, Information Transfer and Program Integration Division, EPA, Research Triangle Park, NC, (919) 541-2380, svendsgaard.dave@epa.gov
<http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2002/02-31900.htm>
<http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2002/02-31900.pdf>

Baseline Emissions Determination, Actual-to-future-actual Methodology, Plantwide Applicability Limitations, Clean Units, Pollution Control Projects (67 FR 80186 - 12/31/2002) EPA has finalized certain rule changes related to the New Source Review (NSR) program. Changes include: - Plantwide Applicability Limits (PALs): Facilities that agree to operate within site-wide emissions caps called PALs will be given flexibility to modify their operations without undergoing NSR. - Pollution Control and Prevention Projects: To maximize investments in pollution prevention, companies that undertake certain specified environmentally beneficial activities will be free to do so upon submission to their permitting authority of a notice, rather than having to wait for adjudication of a permit application. EPA is also creating a simplified process for approving other environmentally beneficial projects. - Clean Unit Provision: To encourage the installation of state-of-the-art air pollution controls, EPA will give plants that attain "clean unit" status flexibility in the future if they continue to operate within permitted limits. This flexibility is an incentive for plants to voluntarily install the best available pollution controls. Clean units must have an NSR permit or other regulatory limit that requires the use of the best air pollution control technologies. - Emissions Calculation Test Methodology: To provide facilities with a more accurate procedure for evaluating the effect of a project on future emissions, the final regulations improve how a facility calculates whether a particular change will result in a significant emissions increase and thereby trigger NSR permitting requirements. Also, to more accurately represent a

facility's actual emissions before a change, to account for variations in business cycles, and to provide a bright-line test for measuring pre-change emissions levels, industrial facilities will be allowed to use any consecutive 24-month period in the previous decade as a baseline, as long as all current emission limitations are taken into account. This "baseline emissions" provision does not apply to power plants.

In a related action nine states have filed a lawsuit to prevent implementation of rule. A press release related to the lawsuit is available at: http://www.oag.state.ny.us/press/2002/dec/dec31b_02.html. Potential Impact or Relevance: Potential interest to facilities that are "major sources" under the Clean Air Act. Further Information:

Lynn Hutchinson, Information Transfer and Program Integration Division, EPA Research Triangle Park, NC, 919-541-5795, hutchinson.lynn@epa.gov

<http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2002/02-31899.htm>

<http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2002/02-31899.pdf>

NESHAP: Municipal Solid Waste Landfills (68 FR 2227 - 1/16/2003) EPA has issued a the final NESHAP standard for municipal solid waste landfills. The affected source may be operated as a conventional landfill, or it may be operated completely or partially as a bioreactor. To be an affected source, the landfill must have accepted waste since November 8, 1987, or have additional capacity for waste deposition, and must be either:

- 1) A major source of HAP;
- 2) collocated with a major source of HAP;
- 3) an area source with a design capacity greater than or equal to 2.5 million Mg and 2.5 million cubic meters and with estimated uncontrolled NMOC emissions equal to or greater than 50 Mg/yr; or
- 4) an active area source landfill with a design capacity greater than or equal to 2.5 million Mg and 2.5 million cubic meters that operates an anaerobic bioreactor. The bioreactor provisions do not apply to closed landfills.

Further Information: JoLynn Collins, EPA, Research Triangle Park, NC, (919) 541-5671, collins.jolynn@epa.gov.

<http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/03-88.htm>

<http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/03-88.pdf>

NESHAP: Stationary Combustion Turbines (68 FR 1887 - 1/14/2003) EPA has formally published proposed national emission standards for hazardous air pollutants (NESHAP) for stationary combustion turbines. For purposes of this rulemaking Stationary combustion turbines have been divided into the following six subcategories:

- 1) emergency stationary combustion turbines,
- 2) limited use stationary combustion turbines,
- 3) stationary combustion turbines which fire landfill gas or digester gas as their primary fuel,
- 4) stationary combustion turbines of less than 1 MW rated peak power output,
- 5) stationary diffusion flame combustion turbines, and
- 6) stationary lean premix combustion turbines.

Existing lean premix stationary combustion turbines and new or reconstructed stationary combustion turbines located at a major source of HAP emissions will be required to comply with one of the following two emission limitations as follows: (1) reduce CO emissions in the exhaust from the new or reconstructed stationary combustion turbine by 95 percent or more, if you use an oxidation catalyst emission control device; or (2) reduce the concentration of formaldehyde in the exhaust from the new or reconstructed stationary combustion turbine to 43 parts per billion by volume or less, dry basis (ppbvd), at 15 percent oxygen.

Stationary combustion turbines with a rated peak power output of less than 1.0 megawatt, emergency stationary combustion turbines, limited use stationary combustion turbines, and stationary combustion turbines which burn landfill gas or digester gas as their primary fuel, and diffusion flame stationary combustion turbines are not required to comply with the emission limitations. Comments are due February 13, 2003. Potential impact on emission requirements for combustion turbines with a rated peak power equal to or above 1 MW. Further Information:

Sims Roy, Combustion Group, Emission Standards Division, EPA, Research Triangle Park, NC, (919) 541-5263, roy.sims@epa.gov.

<http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/03-86.htm>

<http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/03-86.pdf>

CWA

Withdrawal of Revisions to the Water Quality Planning and Management Regulation and Revisions to the National Pollutant Discharge Elimination System Program in Support of Revisions to the Water Quality Planning and Management Regulation (67 FR 79020 - 12/27/2002) EPA is proposing to withdraw the final rule relating to TMDLs entitled "Revisions to the Water Quality Planning and Management Regulation and Revisions to

the National Pollutant Discharge Elimination System Program in Support of Revisions to the Water Quality Planning and Management Regulation" (July 13, 2000, 65 FR 43585). The July 2000 rule amended existing regulations implementing a section of the Clean Water Act provisions that require states to identify waters that are not meeting applicable water quality standards and to establish pollutant budgets (TMDLs), to restore the quality of those waters. The rule also amended EPA's National Pollutant Discharge Elimination System ("NPDES") regulations to include provisions addressing implementation of TMDLs through NPDES permits. Regulations that EPA promulgated in 1985 and amended in 1992 remain the regulations in effect for implementing the TMDL Program. EPA has indicated that significant changes would need to be made to the July 2000 rule before it could serve as the blueprint for an efficient and effective TMDL Program. Comments are due January 27, 2003. Further Information: Francoise M. Brasier, Office of Wetlands, Oceans and Watersheds, EPA, Washington, DC, (202) 566-2385.

http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=2002_register&docid=fr27de02-37

http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=2002_register&docid=fr27de02-37.pdf

Water Quality Trading Policy (68 FR 1608 - 1/13/2003) EPA has released a final Water Quality Trading Policy as guidance to states and tribes on developing and implementing water quality trading programs. Water quality trading is a voluntary, incentive-based approach that can offer greater efficiency in restoring or protecting water bodies. Trading allows a source to meet its regulatory obligations by using pollutant reductions created by another party with lower pollution control costs. All water quality trading should occur within a watershed or a defined area for which a TMDL has been approved. EPA supports trading that involves nutrients (e.g., total phosphorus and total nitrogen) or sediment loads. EPA may support trades that involve pollutants other than nutrients and sediments on a case-by-case basis where prior approval is provided through an NPDES permit, a TMDL or in the context of a watershed plan or pilot trading project that is supported by a state, tribe or EPA. EPA also supports cross-pollutant trading for oxygen-related pollutants where adequate information exists to establish and correlate impacts on water quality. EPA does not currently support trading of pollutants considered by EPA to be persistent bioaccumulative toxics (PBTs).

The policy is reproduced in this Federal Register announcement. Further Information: David Batchelor, EPA Office of Water, (202) 564-5764, batchelor.david@epa.gov

<http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/03-620.htm>

<http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/03-620.pdf>

National Primary Drinking Water Regulation for Arsenic ([67 FR 78203](#), December 23, 2002) USEPA has issued a notice proposing to amend the arsenic primary drinking water standard text so that the new arsenic standard is expressed as 0.010 mg/L instead of 0.01 mg/L. A number of states and other stakeholders have raised a concern that state laws adopting the federal law as written might allow rounding so that the effective standard (in consideration of rounding of results) would be 0.014 mg/L (or 14 ppb), not 0.010 mg/L. USEPA considers such rounding to be inconsistent with the intent of the rule. In the January 2001 rule that established a 10 ppb (0.01 mg/L) arsenic drinking water standard, USEPA clarified at 40 CFR 141.23(i)(4) that systems must report their monitoring results to the nearest 1 ppb (0.001 mg/L). USEPA added the provision to make clear that compliance with the new standard would be measured to the nearest 0.001 mg/L; thus, rounding of results to the nearest 0.01 mg/L would not be permitted. USEPA believes the 10 ppb standard has already been established by the existing rule but wants to eliminate any remaining confusion or uncertainty. For further information, contact Richard Reding, USEPA, Office of Ground Water and Drinking Water, Washington, DC, (202) 564-4656, e-mail: reding.richard@epa.gov.

Non-Transportation-Related Onshore and Offshore Facilities SPCC Planning Deadline Extension • (68 FR 1347 - 1/9/2003) EPA is extending for sixty days the dates for a facility to amend its Spill Prevention, Control, and Countermeasure (SPCC) Plan and implement the amended Plan. On July 17, 2002, at 67 FR 47042, EPA published final amendments to the Spill Prevention, Control, and Countermeasure (SPCC) rule. The compliance date to update SPCC Plans to meet those new requirements has been extended from 17 February 2003 to April 17, 2003. Further Information: Hugo Paul Fleischman, EPA, Washington, DC, 703-603-8769, fleischman.hugo@epa.gov.
<http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/03-390.htm>
<http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/03-390.pdf>

Natural and Cultural Resources

GAO Report: Agency Crosscutting Actions and Plans in Border Control, Flood Mitigation and Insurance, Wetlands, and Wildland Fire Management (GAO-03-321 - 12/23/2002) GAO has released a report that addresses public land management categories in which multiple agencies are stakeholders. Management areas addressed

include wetlands protection, wildland fire management, and flood mitigation. GAO’s review indicates multiple players within these areas are pursuing similar or complimentary goals, suggesting opportunities for increased coordination. Wildland fire management focuses on major federal efforts to reduce accumulated hazardous fuels on public lands. Over-accumulation of vegetation, particularly in the interior West, is causing an increasing number of intense, uncontrollable wildfires. Following severe wildfires in the year 2000, the National Fire Plan was developed and the Wildland Fire Leadership Council established to respond to the need for greater interagency coordination. See <http://www.fireplan.gov/> “Wetlands” focuses on major federal efforts to protect and manage this resource such as restoration, enhancement, and permitting activities. Noteworthy points or recommendations include:

- Wetlands acreage data reported by several different federal agencies can be of variable consistency and reliability, and does not support measurement of progress towards the national goal of no net loss of wetlands.
- Agencies should implement a strategy for ensuring all actions in the 1998 Clean Water Action Plan related to wetlands data are adopted
- EPA Region V (Chicago) is developing an integrated geographic information system-based wetland inventory for the Minnesota River Basin, in coordination with other federal and state agencies. The system will provide a test to update the older National Wetland Inventory data and will serve as a pilot for other areas of the country. Potential Impact or Relevance: Potential interest to personnel responsible for land management. Further Information: Patricia A. Dalton, GAO, (202) 512-6806, daltonp@gao.gov <http://www.gao.gov/new.items/d03321.pdf>

Guidance on Hazardous (Wildland) Fuels Treatment Projects (68 FR 1629-1/13/2003) The Fish and Wildlife Service and National Marine Fisheries Service have released guidance on evaluating the net benefit of projects that reduce hazardous fuels. This guidance may be obtained at: <http://endangered.fws.gov/consultations/forestplan.html>. In response to recent damaging wildland fires, the Departments of the Interior and Agriculture have developed the National Fire Plan, which, among other things, calls for a substantial increase in the number of forested acres treated annually to reduce hazardous fuels. As part of this effort, agencies must consult with the Services, in accordance with section 7 of the Endangered Species Act and comply with other applicable requirements of various environmental laws and regulations. Guidance on alternative approaches for streamlining section 7 consultation on hazardous fuels treatment projects has also been released (68 FR 1628 on 13 January, 2003) and may be obtained at: <http://endangered.fws.gov/consultations/streamlining.pdf>. For the full text of that announcement, see <http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/03-577.htm> <http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/03-577.pdf> Further Information: Rick Sayers, Chief, Branch of Consultation and Habitat Conservation Planning (703) 358-2106

STATES



LEGISLATIVE CALENDAR

| | Convenes | Adjourns |
|----------------|----------|-------------|
| Alabama | 03/04/03 | 06/17/03 |
| Florida | 03/04/03 | 05/02/03 |
| Georgia | 01/13/03 | Mid 03/03 |
| Kentucky | 01/07/03 | 03/25/03 |
| Mississippi | 01/07/03 | 03/06/03 |
| North Carolina | 01/29/03 | Summer 2003 |
| South Carolina | 01/14/03 | 06/05/03 |
| Tennessee | 01/14/03 | 05/03 |

ALABAMA

Proposed Rules

stormwater and sewage sludge rules. The amendments include: (1) adoption of USEPA's phase II stormwater regulations; (2) repeal of state standards for the use or disposal of sewage sludge; and (3) adoption of the forms needed to implement the phase II stormwater regulations.

<http://www.adem.state.al.us/PubHearings/Div1/D1Chapter%201%20PROPOSED.doc>

<http://www.adem.state.al.us/PubHearings/Div6/D6aChapter6%20PROPOSED.doc>

<http://www.adem.state.al.us/PubHearings/Div6/D6aChapter12%20PROPOSED.doc> The department will hold a public hearing was scheduled for December 9. Deadline for comments was December 9, 2002 Contact: John Poole (334) 271-7823

Hazardous Waste (Chapter 335-14-1 et seq.) The ADEM is proposing to adopt federal hazardous waste standards published between 07/01/01 and 06/30/02. The standards include: (1) hazardous waste incinerator MACT standards; and (2) corrective action management unit standards.

<http://www.adem.state.al.us/PubHearings/PubHearings.htm> The department held a public hearing on December 18, 2002. Written comments were due December 20, 2002. Contact: Amy Zachary (334) 271-7730

Adoption of Federal CAA NESHAP Rules (Chapters 335-3-1, 335-3-3, 335-3-8, 335-3-17, and 335-3-18) The ADEM is proposing to incorporate by reference federal air regulations published between 06/03/02 and 10/21/02. The NESHAPs include: (1) secondary aluminum production amendments; (2) pesticide active ingredient production amendments; (3) polyvinyl chloride and copolymers production; (4) surface coating of large appliances; (5) portland cement manufacturing amendments; (6) generic MACT amendments; and (7) phosphoric acid manufacturing and phosphate fertilizer production amendments. Other incorporated federal standards include: (1) emission inventory reporting for stationary sources under the Consolidated Emissions Reporting Rule; (2) requirements for removal, handling, and disposal of asbestos-containing material; (3) technical corrections to the NOx emissions rules; (4) amendments to transportation conformity; and (5) updates to the acid rain program. The Department scheduled a public hearing 01/08/03. Written comments are due 01/08/03. Contact: Lynn Garthright (334) 271-7878

Water/Wastewater (Div. 335-10-1) The ADEM is proposing to amend its water and wastewater treatment system operator certification requirements. The amendments include: (1) definition of "working experience;" (2) requirement that Grade III wastewater treatment plants must have a certified operator of the same grade or higher present at the plant for a minimum of one 8-hour work shift during the daytime hours of plant operation, five days a week; (3) maintenance of a permanent record of staffing at all Grade I & II wastewater treatment plants and at all Grade II water treatment plants or well sites; (4) specification of how many hours of training may be substituted for experience; (5) requirement that operators may only hold one water and one wastewater certificate; and (6) revocation of certification for operators that consistently fail to submit operational data as required by the Department. A public hearing was held on November 8, 2002 and comments were due on November 15, 2002. The Environmental Management Commission will review the rule at its meeting 12/17/02.

<http://www.adem.state.al.us/PubHearings/Div10/D10Chapter1%20PROPOSED.doc> Contact: Diane McKeithen (334) 394-4344

NPDES Stormwater Permit The ADEM is proposing a general NPDES storm water permit for small municipal separate storm sewer system (MS4) discharges. Written have been extended to 2/08/03.

<http://www.adem.state.al.us/PublicNotice/Dec/12MunicipalGP.htm> Contact: Mr. Russell Kelly (205) 271-7771

Water/Drinking Water (Chapter 335-7) The ADEM is proposing to adopt federal drinking water standards. The standards will: (1) modify monitoring requirements for radionuclides; (2) adopt the maximum contaminant level for arsenic; and (3) add filter recycling requirements for all surface plants that recycle backwash water. The Department will hold a public hearing 02/05/03. Written comments are due 02/07/03.

<http://www.adem.state.al.us/PublicNotice/Dec/12Div7.htm> Contact: Ed Hughes (334) 271-7773

Water Quality Standards (Triennial Review) The ADEM is starting a triennial review of its water quality standards. The Department will hold a public meeting 01/15/03. Written comments are due 02/14/03. The public is invited to make recommendations on improvements to the state's water quality standards.

<http://www.adem.state.al.us/PublicNotice/Dec/12Triennial.htm> Contact: Lynn Sisk (334) 271-7826

FLORIDA

Final Rules

Wastewater (Rule 25-30.432 F.A.C.) The Florida Public Service Commission codified its policy on calculating the used and useful amount of a wastewater treatment plant. The rule provides that customer load will be measured in the same terms as the operating permit and provides examples of other factors that will be considered in calculating the used and useful percentage of wastewater treatment plant. The Commission adopted the codification effective 12/26/02. Register page 3258: <http://faw.dos.state.fl.us/newfaw/FawVolumeFolders2002/2830/280doc.pdf>
Contact: Christiana Moore (850) 413-6245

Proposed Rules

Phase II stormwater permits and fees (Chapters 62-4, 62-620, 62-621, 62-624 F.A.C.) The FLDEP is proposing regulations to implement Phase II of USEPA's stormwater program. The Phase II regulations include: (1) a generic permit for municipal separate storm sewer systems (MS4s); and (2) regulation of small Municipal Separate Storm Sewer Systems (small MS4s). Written comments are due 01/17/03. The Department is also developing regulations for the regulation of stormwater discharges from small construction activities.

<http://tlhora6.dep.state.fl.us/onw/publications/12-NRM62-621-Internet.pdf>

<http://tlhora6.dep.state.fl.us/onw/publications/13-NRM62-624-Internet.pdf> Contact: Fred Noble (850) 921-9382

Drinking Water/ Consumer confidence reports (Rule 62-550.824, 62-550.900 F.A.C.) The FLDEP is proposing amendments to rules regulating consumer confidence reports (CCR). The amendments will: (1) clarify the reporting of analytical results; (2) require the inclusion informational and educational statements; (3) incorporate by reference the FRWA/DEP CCR Template Instructions and Template; (4) clarify reporting requirements for community water systems issued variances and exemptions; (5) revise requirements for Internet distribution of CCRs; and (6) clarify CCR distribution requirements. The Department has re-issued the requests for hearing. Requests for hearing are due 02/07/02. Page 1108 (Page 18 of 117 of the Adobe Acrobat file):

<http://faw.dos.state.fl.us/newfaw/FawVolumeFolders2002/2810/2810.html> Contact: Mr. Gregory Parker (608) 267-3859

Water/Revisions to consumptive use (Chapter 40E-2, F.A.C.) The FL South Florida Water Management District is planning to modify and update its water use rules to reflect new legislative direction, new policy development, and regional water supply plan implementation. Topics to be addressed include: (1) supplemental irrigation requirement; (2) pollution remediation; (3) interference with existing legal uses; (4) use of reclaimed water; (5) wellfield operational plans; (6) diversion and impoundment allocation; (7) permit duration; (8) permit renewal process; (9) impact evaluations; (10) local sources first; (11) aquifer storage and recovery; (12) wetland protection; (13) areas with maximum developable limits; (14) year round water conservation measures; (15) water shortage plans; and (16) fees. <http://www.sfwmd.gov/org/wsd/wateruse/legaluses.html>; <http://www.sfwmd.gov/org/wsd/wateruse/reuse.html>;

<http://www.sfwmd.gov/org/wsd/wateruse/localsrc.html>;

<http://www.sfwmd.gov/org/wsd/wateruse/pduration.html>;

<http://www.sfwmd.gov/org/wsd/wateruse/offsite.html>;

<http://www.sfwmd.gov/org/wsd/wateruse/pasture.html>;

<http://www.sfwmd.gov/org/wsd/wateruse/pollution.html>;

<http://www.sfwmd.gov/org/wsd/wateruse/sirrigation.html>;

<http://www.sfwmd.gov/org/wsd/wateruse/impact.html>;

<http://www.sfwmd.gov/org/wsd/wateruse/wellops.html>;

<http://www.sfwmd.gov/org/wsd/wateruse/conservation.html>; Contact: Julie Jennison (561) 682-6294

Interim Enhanced Surface Water Treatment/Drinking Water (Chapters 62-550, 62-555, and 62-560 F.A.C.) The FLDEP is preparing revisions to the construction and permitting of public water supply systems. The possible amendments include: (1) incorporating USEPA's Interim Enhanced Surface Water Treatment Rule; (2) amending the state surface water treatment rules by replacing paraphrasing of federal rules with references to federal rules; and (3) moving surface water treatment rules from Chapter 62-555 F.A.C. to Chapter 62-550. Surface water treatment rules also cover public water systems using ground water under the direct influence of surface water. Staff expects a proposal around the end of 2002. Statements of costs and alternatives are due 01/17/03. Requests for hearing are due 01/17/03. If requested, the Department will hold a public hearing 01/22/03. Contact: Mr. Gregory Parker (608) 267-3859

Tanks/Operation Requirements (Chapter 62-761 F.A.C.) The FLDEP is drafting potential changes to the petroleum storage tank systems. The amendments will: (1) reformat and reorganize the rules for clarity; (2) provide release detection requirements by storage tank component type; (3) provide for the issuance of registration placards after the

Department verifies the financial responsibility mechanism; (4) provide for an alternative dike field area option for field-erected aboveground tanks; (5) create a new form for release autopsy reporting; (6) update existing forms and references; and (7) provide for release detection options for underground bulk product piping. The Department scheduled a workshop for 12/11/02.

<http://tlhora6.dep.state.fl.us/onw/publications/5-Wkshop761Dec02-Internet.pdf> Contact: John Svec (850) 488-3935

Phase II Stormwater Permit Fees (Rule 62-4.050 F.A.C.) The FLDEP is reproposing amendments to its stormwater permit fee structure as part of its effort to assume authority for Phase II of USEPA's stormwater program. The amendments will include fees for Generic Permits for Stormwater Discharges From Phase II Municipal Separate Storm Sewer Systems (MS4s). The proposed fees are: (1) \$7,800 for Phase II MS4s in a jurisdiction with a population of 50,000 or more; (2) \$5,325 for Phase II MS4s in a jurisdiction with a population of less than 50,000 but more than 10,000; and (3) \$3,750 for Phase II MS4s in a jurisdiction with a population of 10,000 or less. The Department has reproposed the amendments with statements and requests for hearing due 12/06/02. If requested, the Department will hold a public hearing.

<http://tlhora6.dep.state.fl.us/onw/publications/16-62-4.050NRM-Internet.pdf> Contact: Fred Noble (850) 921-9382

Hazardous Waste/Used Oil Fuels (Ch. 62-710.210, .500, .510, .600, .800, .850, and .901) The FLDEP has drafted a proposal to make technical corrections to Ch. 62-710 regarding used oil management. The insurance requirements for certified used oil transporters need to be updated and clarified. The requirements for storage and process tanks applicable to used oil processors need to be updated to reflect changes in other Department rules. The permitting requirements for used oil processors that also manage other solid waste need to be amended so that facilities can more readily operate under a single Department permit. Finally, the Department anticipates that other amendments may be proposed by the regulated community during the rulemaking process. The Department plans to hold a rule development workshop by February 2003.

http://www.dep.state.fl.us/waste/quick_topics/publications/shw/used_oil/rulemaking/6-14draft.pdf Contact: Richard Neves (850) 487-4667

Cleanup/Brownfields (Chapters 62-777, 62-785 F.A.C.) The FLDEP is preparing an amendment to its contaminant cleanup criteria (Docket 01-36R). The amendment will change: (1) the contaminant cleanup target levels applicable to the cleanup of petroleum, drycleaning solvent, and brownfield contaminated sites; and (2) cleanup target levels for treatment of contaminated soils. The Department will hold a public meeting 12/17/02. Staff indicates that the earliest possible date for a final rule is late summer 2003. The department will hold a workshop 02/13/03.

<http://tlhora6.dep.state.fl.us/onw/publications/5-Notice777RuleDevelop.pdf> Contact: Roger B. Register (850) 488-3935

TSD Facilities/Hazardous Waste (Chapter 62-730 F.A.C.) The FLDEP is preparing to amend its requirements for TSD facilities. The amendments include: (1) establishment of clean closure plans; (2) incorporating hazardous waste closure and corrective action flexibilities; (3) modifying fee schedule; and (4) clarifying time periods and documentation requirements. The Department held a workshop on December 9, 2002.

<http://tlhora6.dep.state.fl.us/onw/publications/9-NOTICEOFPUBLICWORKSHOP-Internet.pdf> Contact: Diane Hunt (850) 245-8777

Drinking Water (Rule 40D-3.461 F.A.C.) The Southwest Florida Water Management District is proposing to amend its requirements for well grouting, plugging and abandonment. The amendment will exempt from the District's requirement that District staff observe the grouting, plugging or abandonment of all wells that are 2 inches or less in diameter, or 20 feet or less in depth. Statements of costs and alternatives are due 01/03/03. Requests for hearing are due 01/03/03. If requested, the District will hold a public hearing. Register page 5495 (Page 9 of 57 of the Adobe Acrobat file): <http://faw.dos.state.fl.us/newfaw/FawVolumeFolders2002/2850/2850doc.pdf> Contact: Karen West (352) 796-7211 ext. 4651

Drinking Water (Chapters 62-555 and 62-560 F.A.C.) The Department is proposing to adopt federal drinking water standards for: (1) arsenic; and (2) radionuclides.

<http://tlhora6.dep.state.fl.us/onw/publications/1-AsRadsRule-Internet.pdf>

<http://tlhora6.dep.state.fl.us/onw/publications/2-AsStandard-Internet.pdf>

<http://tlhora6.dep.state.fl.us/onw/publications/3-62-560Table-Internet.pdf>

Written objections are due 01/24/03. Written comments are due 01/31/03 Michael D. LeRoy (850) 921-9447

GEORGIA

Proposed Rules

TMDLs/ Chattahoochee and Flint River Basins (Chattahoochee and Flint River Basins) The GA DNR is proposing TMDLs for the Chattahoochee and Flint River Basins. For the Chattahoochee River Basin, the TMDLs include: (1) Chattahoochee River for fish consumption guidance for mercury; (2) Upper Chickasawhatchee for sediment; (3) Spring Creek for sediment; (4) Red Oak Creek for sediment; (5) White Creek for sediment; (6) Hazel Creek for sediment; and (7) Mineral Springs Branch for toxicity. For the Flint River Basin, the TMDLs include: (1) Avera Creek for pH; (2) Beaver Creek for fish consumption guidance for mercury; (3) Kinchafoonee Creek for fish consumption guidance for mercury; (4) Patsiliga Creek for fish consumption guidance for mercury; (5) Whitewater Creek for pH; and (6) Sweetwater Creek for pH. Written comments due 10/30/02.

<http://www.epa.gov/region4/water/tmdl/georgia/GApn83002.htm> Contact: Sybil Cole (404) 562-9437

Water Quality Standards (Rule 391-3-6-.03) The GA DNR is proposing regulations regarding water quality standards. The amendments include: (1) add a definition of "marine waters;" (2) a human health fish tissue mercury standard, in accordance with USEPA January 2001 guidance, for deriving a water body trophic-weight residue value; (3) adoption of USEPA's bacteria standard using e. coli as the indicator species; (4) clarification when standard exceedances are not violations; (5) a requirement that water quality samples used in listing or delisting impaired waters must comply with state and USEPA's requirements and be performed by a qualified person or laboratory; (6) amend temperature statement for West Point Lake to make it consistent with references to other lakes; and (7) amendments to streamflows for consistency. Written comments were due 11/18/02. The Board of Natural Resources met 12/04/02 to review the proposed rule. http://www.ganet.org/dnr/envIRON/rules_files/propose_files/391-3-6_rul.pdf Contact: Alan W. Hallum (404) 656-4708

Drinking Water Standards (Ch. 391-3-5) The GA DNR is proposing to adopt federal drinking water standards. The federal standards include: (1) source water assessment plans; (2) arsenic maximum contaminant level; (3) consumer confidence reports; (4) consumer notification requirements; (5) radionuclides requirements; (6) filter backwash rule; (7) turbidity sampling; (8) wellhead protection; and (9) reporting requirements. Written comments were due 11/04/02. The Board of Natural Resources met on 12/04/02.

http://www.ganet.org/dnr/envIRON/rules_files/propose_files/391-3-5_rul.pdf Contact: Tamara Frank (404) 651-6830

CAA NESHAPS (Rule 391-3-1-.01, .02, .15 and 391-3-20.04, .17) The GA DNR is proposing amendments to adopt federal air standards. The amendments include: (1) an effective date of 09/25/02 for its procedures for testing and monitoring sources (PTM); (2) NESHAPs for polyvinyl chloride and copolymers production; (3) NESHAPs for primary copper smelting; (4) NESHAPs for catalytic cracking, catalytic reforming, and sulfur plant units in petroleum refineries; (5) NESHAPs for wet formed fiberglass mat production; (6) NESHAPs for large appliances surface coating operations; (7) NESHAPs for metal coil surface coating operations; (8) NESHAPs for leather finishing operations; (9) NESHAPs for cellulose products manufacturing; (10) NESHAPs for tire manufacturing; (11) a formal addition of a one-year grace period into the transportation conformity rule; (12) removal of an outdated reference date in the onboard diagnostics regulations; and (13) set the repair waiver limit at \$658 for test year 2003. Written comments are due 10/29/02. The Department held a public hearing 10/29/02. The GA DNR will meet 12/04/02. Contact: Ron Methier (404) 363-7000

KENTUCKY

LEGISLATIVE

Land Use, Growth Management (Kentucky S.B. 47) Amends KRS 100.187 requires planning units (e.g. city, county governments) to make provisions for the accommodation for military installations within 50 miles of their boundaries. Establishes the goal of minimizing conflicts after consultation with relevant installations command authority to determine the installation's needs in terms of expansion, environmental impact, safety and air space usage (to include noise and air pollution). Introduced January 9, 2003. Referred to Senate Veterans, Military Affairs, And Public Protection Committee January 10. Prospects for consideration are favorable. The sponsor is Senator E. Tori from District 10. <http://www.lrc.state.ky.us/record/03rs/SB47/bill.doc>

Proposed Rules

CAA NOx (401 KAR 51:001, 51:160) The KDEP is proposing amendments to further implement the NOx SIP Call. The amendments include: (1) new and amended terms to implement auctioning of NOx allowances; (2) general provisions for NOx budget units that start commercial operations after 05/01/01; (3) revisions to the NOx allowance allocation methodology; and (4) removal of provisions which are incorporated by reference which govern the allocation of NOx allowances to NOx budget units. The Administrative Regulation Review committee met on 10/8/02 will review the rule at its November 11, 2002 meeting. Contact: Millie Ellis (502) 573-3382

Cleanup/Brownfield (401 KAR 100:005, 100:100) The KDEP is proposing regulations to implement a voluntary remediation program to encourage the clean up of contaminated properties. The proposed regulation would establish the definitions, general provisions, and implementation for the program, including remediation standards and requirements for the remediation party and the state. Written comments were due 08/28/02 at the public hearing. The Administrative Regulation Review Subcommittee will consider at its 01/14/03 meeting. Contact: Michael Mullins (502) 564-6716 ext. 282

MACT/Air Toxics (401 KAR 63:105) The KDEP is proposing to amend its Maximum Achievable Control Technology (MACT) standards to adopt regulations regarding case-by-case MACT determinations for sources without MACT standards. <http://www.nr.state.ky.us/nrepc/dep/daq/pubinfo/63-105-Amendment.pdf> The department approved the amendments. The Administrative Regulation Review Subcommittee will consider at its 01/14/03 meeting. . The Contact: Carl Millanti (502) 573-3382

Solid Waste (401 KAR 47:095) The KDEP is proposing amendments to its fees for solid waste facilities. Owners and operators of contained landfills and construction/demolition debris landfills will be required to collect an environmental remediation fee of \$1.75 per ton. Transfer stations collecting municipal solid waste for transfer out of state will be required to collect an environmental remediation fee of \$1.75 for every 3 cubic yards of compacted waste and \$1.75 for every 5 cubic yards of all other waste. The Department scheduled a public hearing 11/25/02. Written comments were due 11/25/02. The Administrative Regulation Review Subcommittee will consider at its 01/14/03 meeting. Contact: Michael Mullins (502) 564-6716 ext. 282

Hazardous Waste (401 K.A.R. 31:005 et seq.) The KDEP is planning to adopt federal hazardous waste regulations published between July 1996 and March 1999. The Department will adopt the federal rules verbatim. The possible adoptions include: (1) military munitions; (2) land disposal restrictions, phase IV, including the scrap metal exclusion; (3) carbamate production; (4) organic air emission standards for tanks; (5) recycled oil; (6) treatment standards for metal wastes and mineral processing wastes; (7) hazardous soil treatment standards; (8) Bevill exclusion revisions; (9) hazardous waste combustors revised standards; (10) petroleum refining process; (11) treatment standards for spent potliners; (12) closure and postclosure requirements; (13) HWIR-Media; (14) universal waste rule amendments; and (15) organic air emission standards. The Department plans to propose the rules in spring 2003. Contact: Abbie Meyer (502) 564-6716

NPDES/Wastewater (401 KAR 5:002, 5:050, 5:055, 5:057, 5:060, 5:070, 5:075) The KDEP has approved amendments to its regulations regarding National Pollutant Discharge Elimination System (NPDES) discharge permits to make them compatible with the corresponding federal regulations. The amendments include: (1) adoption of federal definitions found in 40 C.F.R. Parts 116, 130, 136, and 401-471, including Phase II stormwater regulations; (2) treatment levels and effluent limits; (3) pretreatment requirements; (4) permit application requirements; and (5) permit conditions. The Administrative Regulation Review Subcommittee reviewed the rules at the November 12, 2002 meeting, required the proposed rules to be further amended. The amendments include: (1) changes to text to comply with statutory drafting and formatting requirements for regulations; (2) specification and correction of citations; and (3) specification that expedited permit revocation procedures shall not be available to permittees subject to Clean Water Act enforcement actions including citizen suits. The amendments must now be reviewed by the legislative committee with appropriate jurisdiction before they become final and effective. Contact: Jeffrey W. Pratt (502) 564-3410

NOX/Air (401 KAR 51:001, 51:160) The KDEP has approved amendments to further implement the NOx SIP Call. The amendments include: (1) new and amended terms to implement auctioning of NOx allowances; (2) general provisions for NOx budget units that start commercial operations after 05/01/01; (3) revisions to the NOx allowance allocation methodology; and (4) removal of provisions which are incorporated by reference which govern the

allocation of NOx allowances to NOx budget units. The Administrative Regulation Review Subcommittee required the proposed rules to be further amended. The amendments include: (1) changes to text to comply with statutory drafting and formatting requirements for regulations; and (2) specification and correction of citations. The amendments must now be reviewed by the legislative committee with appropriate jurisdiction before they become final and effective. Contact: Millie Ellis (502) 573-3382

MISSISSIPPI

Proposed Rules

RCRA Hazardous Waste Management Regulations (Part 260 et seq.) The MDEQ is proposing to adopt USEPA hazardous waste regulations published since 03/17/00. The amendments will: (1) vacate the regulatory provisions governing the identification of organobromine production waste as listed hazardous wastes and modify the Land Disposal Restriction (LDR) treatment standards by deleting these waste and associated waste treatment standards; (2) list as hazardous two waste streams generated by the chlorinated aliphatics industry and finalize the determination not to list as hazardous four additional wastes streams; (3) defer a portion of the rule applying Land Disposal Restrictions (LDR) to constituents subject to treatment in soils contaminated with certain characteristic hazardous wastes (PCBs); (4) provide increased flexibility through regulatory change to facilities that manage low-level mixed waste (LLMW) or accelerator produced radioactive material (NARM) containing hazardous waste; (5) list as hazardous three waste streams generated by the inorganic chemical manufacturing processes and establish treatment standards under the Land Disposal Restriction (LDR) program; (6) amend the 1993 Corrective Action Management Unit (CAMU) Rule, Rule changes include restrictions on waste types allowed in CAMU's, increased design requirements, establishment of treatment standards for wastes placed in CAMUs, and requirements for additional information and public participation in CAMU applications; (7) set interim emission standards for hazardous air pollutants from incinerators, cement kilns and lightweight aggregate kilns that burn hazardous wastes; and (8) list as hazardous two waste streams generated by the paint production industry and establish treatment standards under the Land Disposal Restriction (LDR) program. The Department was scheduled to conduct a public hearing on 9/12/02. Contact Jerry Banks (601) 961-5221

Stormwater Permit (Small Construction General Stormwater Permit) The MDEQ is proposing a general stormwater NPDES permit for small construction activities. Small construction activities are defined as work that disturbs one to less than five acres. Written comments are due 02/02/03. Contact: James Morris (601) 961-5151

NORTH CAROLINA

REGULATORY

Final Rules

Air VOCS (15A NCAC 02D.0959) The NC Department of Environment and Natural Resources has approved a new regulation to allow a Volatile Organic Compound (VOC) source to petition the Department to allow the use of alternative controls if those controls are superior to the mandated controls. Register page 223 (Page 90 of 205 in the Adobe Acrobat file): <http://oahnt.oah.state.nc.us/intranet/register/Volume17Issue03.pdf> The Commission approved the rules. The rules will become effective if the General Assembly does not introduce a bill before the 31st legislative day of the 2003 session disapproving of the rules. Contact: Tom Allen (919) 733-1489

Proposed Rules

Air/CAA MACT (15A NCAC 02D.1109, 02Q.0526) The DENR is proposing to adopt the federal requirements for implementing case-by-case MACT determinations when USEPA fails to set a MACT standard in a timely manner. The Department held a meeting on August 20, 2002. Written comments were due September 3, 2002. Register pages 224 and 228 (Pages 91 and 95 of 205 in the Adobe Acrobat file) <http://oahnt.oah.state.nc.us/intranet/register/Volume17Issue03.pdf> Contact: Tom Allen (919) 733-1489

Groundwater/Groundwater Quality Standards (15 NCAC 2L.0202) The DENR has drafted amendments to its groundwater standards for eleven substances. The substances are: (1) butylbenzyl phthalate; (2) total coliform organisms; (3) diethylphthalate; (4) dioxins (2,3,7,8-TCDD, toxicity equivalency concentration); (5) epichlorohydrin; (6) hexachlorobenzene (perchlorobenzene); (7) naphthalene; (8) nickel (soluble salts, excluding nickel carbonyl and

nickel subsulfide); (9) phenol; (10) selenium; and (11) styrene. Register page 640 (Page 46 of 135 in the Adobe Acrobat file): <http://oahnt.oah.state.nc.us/intranet/register/Volume16Issue08.pdf> The Department will accept written comments while it drafts the proposed rules. Comments were due 12/15/01. The Department is preparing an economic impact statement for the amendments. Staff can offer no timetable for this rulemaking
Contact: David Hance (919) 715-6169

Water Quality Standards (15A NCAC 2B.0200) The DENR is considering further amendments to its water quality standards. The amendments could include: (1) USEPA's ambient water quality criteria for bacteria; (2) turbidity standards; and (3) proposed USEPA national nutrient criteria for lakes, streams, rivers, estuaries, and wetlands. The Department is conducting the initial studies. The Department staff could give no timeline for rulemaking other than to say that the Department expects to propose the rule in 2003. Contact Dianne Reid (919) 733-5083

TSD Facilities/Hazardous Waste (15A NCAC 13A.0101, .0109, .0113) The DENR is proposing to adopt amendments to its hazardous waste regulations. The amendments will: (1) add Subpart I, "Integration with Maximum Achievable Control Technology (MACT) Standards", to provide options for incinerators and cement and lightweight aggregate kilns to minimize emissions from startup; and (2) update the cost of the rule book and retitle a section. The Department is also adopting recent USEPA updates regarding the disposal of corrective action management unit wastes in permitted hazardous waste landfills. The Department will hold a public hearing 01/17/03. Written comments are due 02/03/03. Register page 1097 (Page 10 of 50 in Adobe Acrobat file): <http://oahnt.oah.state.nc.us/register/Volume17Issue13.pdf> Contact: Jill Pafford (919) 733-4996 ext. 219

SOUTH CAROLINA

Final Rules

Water/Drinking Water (R.61-58) The SC Department of Health and Environmental Control adopted amendments to adopt federal drinking water regulations. The amendments include: (1) adoption of the maximum contaminant level (MCL) for arsenic of 0.01 mg/L (10.0 ug/L); (2) adoption of the Long Term 1 Enhanced Surface Water Treatment Rule to control microbial pathogens; (3) monitoring and reporting requirements for arsenic; and (4) adoption of the maximum contaminant level for alachlor. The amendments became effective 12/27/02.
<http://www.scstatehouse.net/reg/2782.doc> Contact: Valerie Betterton (803) 898-4153

Proposed Rules

Wastewater/Sewage Disposal (R.61-56) DHEC is drafting amendments to its regulations for individual onsite wastewater disposal systems. The proposed amendment encompasses procedures and criteria for evaluation of sites, issuance of permits, and installation of individual waste disposal systems. The Department has republished the notice of drafting and has extended the comment deadline to 11/26/02. The Board was scheduled to hold a public information forum on 11/20/02 and a public hearing 1/9/03. Legislative review is required for this rulemaking. See page 20 at the following link: <http://www.lpittr.state.sc.us/register/sr25-11.doc> Contact: Roger D. Scott (803) 896-0647

Hazardous Waste (R. 61-79) The DHEC is preparing to adopt federal hazardous waste regulations published through 06/30/02. The regulations include: (1) corrective action management unit standards; (2) a clarifying revision to the mixture and derived-from rules; (3) new listings for three inorganic chemical manufacturing wastes including additional toxic constituents and treatment standards for the wastes; (4) deletion of regulatory language vacated by two federal court actions for some mineral processing secondary materials and the application of the Toxicity Characteristic Leaching Procedure to manufactured gas plant wastes; and (5) interim USEPA requirements for Hazardous Air Pollutant Standards for Combustors. The Department is drafting the rules and will accept written comments through 11/29/02. Contact John Litton (803) 896-4000

Water Pollution Control Permits/Stormwater (Reg. 61-9) DHEC is proposing amendments to its regulations regarding water pollution control permits. The amendments will: (1) change the storm water discharge requirements to provide the consolidation of control criteria for sediment and erosion control and to supplement other changes published in the State Register and effective July 27, 2001, which resulted from the promulgation of Federal Phase II regulations (Federal Register [FR] December 8, 1999); (2) establish requirements to enhance the viability of wastewater facilities; (3) establish requirements for standard NPDES permit language and/or conditions; (4) establish requirements related to operation and maintenance of wastewater facilities; (5) clarify the application of fecal coliform limits for land application and/or surface waters; (6) make miscellaneous administrative changes such as minor

permit modifications, revision to permit-transfer provisions, and authorization of a permit reopener; (7) require control odor with domestic and industrial sludge treatment and discharge; and (8) require wastewater discharge permittees post a sign with the location of their outfall. Written comments were due 10/30/02. The Board of Health and Environmental Control was scheduled to hold a public hearing 12/12/02. The proposed rule will require legislative review. <http://www.scstatehouse.net/regs/2783.doc> Contact: Andrew Yasinsac (803) 898-4237

Emissions Monitoring (R.61-62.1) DHEC is preparing to adopt USEPA's continuous emissions reporting rule. The Department is also considering revisions to the regulation to facilitate the collection of air toxics data and may consider other amendments related to emissions reporting requirements as determined to be necessary. Written comments were due 12/23/02. Legislative review is required for this rulemaking. Contact: Frank Cramer (803) 898-4123

Drinking Water Standards (R.61-58) DHEC is proposing amendments to adopt federal drinking water regulations. The amendments include: (1) adoption of the maximum contaminant level (MCL) for arsenic of 0.01 mg/L (10.0 ug/L); (2) adoption of the Long Term 1 Enhanced Surface Water Treatment Rule to control microbial pathogens; (3) monitoring and reporting requirements for arsenic; and (4) adoption of the maximum contaminant level for alachlor. <http://www.scstatehouse.net/regs/2782.doc> The Board of Health and Environmental Control held a public hearing 11/14/02. Because the Department is adopting federal standards, legislative review is not required. Contact Valerie Betterton (803) 898-4153

Wetland/Water Quality Standards (R.61-101) DHEC is preparing regulations to provide a permitting program to reinstate the Department's previous authority to regulate all discharges into isolated waters. The regulations will also streamline the process for obtaining a permit for discharges into isolated waters and wetlands. Now there is state review for fill into isolated wetlands only if another state permit is required. Written comments are due 01/27/03. Legislative review is required for this rulemaking. Contact: Sally Knowles (803) 734-5312

TENNESSEE

Final Rules

Insecticides/Pesticides (Chapter 0080-6-14) The TDEC added a new restricted use pesticide license category for public health pest control. This category includes all governmental employees and commercial applicators who use or supervise the use of pesticides in public health programs or in the commercial application of pesticides for the management and control of pests having medical and public health importance. Requests for hearing and written comments are due 12/16/02. If the Department receives no requests, the amendment becomes effective 02/28/03. Register page 19 (Page 25 of 141 in Adobe Acrobat file): <http://www.state.tn.us/sos/pub/tar/2002-11.pdf> Contact: Kathy Booker (615) 837-5133

Proposed Rules

RCRA/Hazardous Waste Fees (*Rules of the TDEC Chapter 1200-1-11*) The Tennessee Department of Environment and Conservation (TDEC) is proposing amendments to its hazardous waste regulations related to fees to include base dollar amounts in addition to a dollar amount assessed on each pound of hazardous waste. The amendments include changes to: (1) permit fees for transporters, storage, and disposal facility (TSD) activities related to response to accidental discharges requiring remedial investigations and onsite treatment; (2) TSD installation identification number application fee; (3) TSD annual maintenance fees; (4) hazardous waste tipping fee; (5) generator fees; and (6) special report fees. The proposed rule was revised and sent to the Attorney General Office for final review. Expected to become effective 10/8/02 See Register page 76 (Page 82 of 105 in the Adobe Acrobat file) <http://www.state.tn.us/sos/pub/tar/2002-05.pdf> Contact: Gerald "Jerry" E. Ingram (615) 532-0850

CAA New Source Review (Rule 1200-3-16-.01) The TDEC is proposing to amend Rule 1200-3-16-.01, which requires the Technical Secretary shall establish on all construction and operating permits, New Source Standards and Requirements for air contaminant sources subject to the New Source Performance Standards (NSPS). The term "New Source Standards and Requirements" means a standard for emissions of air contaminants, which reflects the degree of emissions limitation achievable through the application of the best system of emission reduction, which (taking into account the cost of achieving such reductions and any non-air quality health and environmental impact and energy requirements) the Technical Secretary determines has been adequately demonstrated. Under no

circumstances shall the Technical Secretary's determination be less stringent than the federal requirements. The regulation is still undergoing review by the Attorney General Office. Once the review is completed and the proposal is filed with the Secretary of State's office, the Secretary of State has 75 days to review and file the final rule. Register page 84 (Page 91 of 199 in the Adobe Acrobat file): <http://www.state.tn.us/sos/pub/tar/2000-08.pdf> Contact: Malcolm Butler (615) 532-0600

CAA Title V Permits (Ch. 1200-3-9-.01) The TDEC is proposing to amend its regulations for the air construction and operating permit program. The amendments include: (1) increasing the major stationary source threshold for municipal incinerators from 50 tons of refuse per day to 250 tons; (2) amending the definition of "major modification" to exempt pollution control projects, use of clean coal technologies, and reactivation of very clean coal-fired electric utility steam generating units from the definition; (3) amending the definition of "actual emissions" for electric utility steam generating units; (4) adding a definition of "electric utility steam generation unit"; (5) adding a definition of "pollution control project"; (6) adding a definition of "representative actual annual emissions"; (7) adding definitions of "clean coal technology", "clean coal technology demonstration project", and "temporary clean coal technology demonstration project"; (8) adding a definition of "repowering"; and (9) adding a definition of "reactivation of a very clean coal-fired electric utility steam generating unit". The regulation is still undergoing review by the Attorney General Office. Once the review is completed and the proposal is filed with the Secretary of State's office, the Secretary of State has 75 days to review and file the final rule. Register page 30 (Page 36 of 144 in the Adobe Acrobat file) <http://www.state.tn.us/sos/pub/tar/2001-07.pdf> Contact: John D. Patton (615) 532-0554

CAA/Opacity (Rule 1200-3-4-.04) The TDEC is proposing to amend its restrictions against open burning of rubber products by creating an exception for firefighting training. The amendment creates an exception for incidental rubber products such as plumbing, wire insulation, and door frames incorporated into a structure. It does not exempt the burning of buildings where rubber or plastic is used as exterior siding or structural load-bearing elements. The board approved the rule, and now it must go to the Office of General Counsel, then to the Attorney General and then to the Secretary of State. Staff has no estimates for an effective date. Register page 46 (Page 52 of 97 in the electronic version): <http://www.state.tn.us/sos/pub/tar/2002-06.pdf> Contact: Malcolm Butler (615) 532-0600

SDWA/Drinking Water (Ch. 1200-5-1) The TDEC is proposing to adopt USEPA's Long Term 1 Enhanced Surface Water Treatment Rules promulgated 01/14/02. The rule increases microbial protection from viruses, bacteria, and protozoa by requiring greater turbidity control for public water systems serving 10,000 or fewer persons beginning 01/14/05. The Department was scheduled to present the proposed rule to the board in October 2002. The rule then goes to the General Counsel and Attorney General. The Staff indicates an effective date of spring 2003. <http://www.state.tn.us/environment/dws/LT1ESWTR.pdf> Contact: Robert L. Foster (615) 532-0155

CAA Permit Standards (Rule 1200-3-9-.03(8)) The TDEC is proposing to add a new provision specifying that issuance of a permit containing federal standards does not repeal by implication applicable state standards. In other words, the new provisions clarify that the inclusion of conditions containing federal requirements that are less restrictive than the Department's requirements concerning the same matter does not cause a relaxation of the Department's requirements. Written comments were due October 16, 2002. Contact: John D. Patton (615) 532-0554

CAA Title V Permit Fees (TCA 68-201-105 and 4-5-201 et seq.) The TDEC is proposing to amend construction and annual emission fees. The rate at which major source actual based annual emission fees are assessed at \$28.00 per ton for the annual accounting period of July 1, 2002 to June 30, 2003. The rate at which major source allowable based annual emission fees are assessed at \$17.00 per ton for the annual accounting period of July 1, 2002 to June 30, 2003. These annual rates shall be supported by the Division's annual workload analysis that is approved by the Board. A public hearing is scheduled for November 18, 2002. Written comments are due November 18, 2002. See pp. 151-153 <http://www.state.tn.us/sos/pub/tar/2002-10.pdf> Contact: Malcolm Butler (615) 532-0600

Hazardous Waste Management (Rule 1200-1-11 et seq. TCA 68-212-106, 68-212-107, 68-212-108, 68-212-109, 68-212-110 and 68-212-114 et seq.) The TDEC is proposing to adopt federal regulations published in the Federal Registers that the EPA made between October 3, 2001 and April 9, 2002 to the corresponding Federal Regulations. Three inorganic chemical manufacturing wastes, K176, K177, and K187, are being added to the list of hazardous wastes. The Corrective Action Management Unit (CAMU) rule is being amended to facilitate cleanups. Emissions standards vacated by the U.S. Court of Appeals are being temporarily replaced until final standards can be established. Mineral processing characteristics byproducts and sludges are being reclaimed as solid waste and

Toxicity Characteristic Leaching Procedure (TCLP) is disallowed to be used for determining whether gas plant (MGP) wastes are hazardous are being implemented. The Division has prepared an initial set of draft rules for public review and comment. A public rulemaking hearing was scheduled for November 19, 2002. Written comments were due December 3, 2002. The DRAFT rules may be accessed from review using <http://www.state.tn.us/environment/swm/swmppo/rules902htm>

Stormwater (MS4 General Permit) The Tn Department of Environment and Conservation (TDEC) Division of Water Pollution Control has identified 84 city and county governments subject to EPA Phase II regulatory program. This does not include military bases, large hospital or prison complexes or highway systems. The TDEC has decided that discharges of stormwater from MS4s are similar and that the minimum measures that communities must enact to prevent pollution from runoff are much the same. Given the similarity of discharges and necessary permit conditions, TDEC has determined to regulate runoff from small MS4s via a general permit. Permittees (or co-permittees) are expected to submit an Notice of Intent (NOI) or apply for an individual permit by March 10, 2003. The minimum permit conditions will include the six measures EPA prescribed in 40 CFR 122.34. A copy of the draft General permit and NOI along with TDEC's rationale for this approach can be accessed from <http://www.state.tn.us/environment/wpc/stormh2o/MS4II.htm> Contact: Robert Haley (615) 532-0625

Cleanup/Brownfields/Lead (Rules 1200-1-18-.05, -.06) The TDEC is proposing updates to its lead abatement program. The amendments will: (1) reserve sections .02, .03, and .04; (2) adopt federal standards for lead-based paint hazards; and (3) adopt federal standards for lead-based paint pre-renovation education. The Department will hold a public hearing 01/22/03. Written comments are due 02/07/03. <http://www.state.tn.us/environment/swm/swmppo/draftlead1202.pdf> Contact: Adrienne White (615) 532 -0885

Water Withdrawals (Chapter 1200-5-8) The Department is proposing regulations regarding the registration of water withdrawals. The amendments include: (1) means of registration of water withdrawals; (2) manner of calculation for the volume of water withdrawn; and (3) reporting requirements. <http://www.state.tn.us/environment/dws/draftph2.pdf> The Department will hold a public hearing 02/18/03. Written comments are due 02/28/03. Contact: David Draughton (615) 532-0191

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SOUTHERN REGION REVIEW

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